HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 566(S/S)06:

Totai Nand Ex no. 15465319 N,
R/o village Rekholi, Post Gairsain,
District Chamoli, Garhwal. ---- Petitioner.

Vs.

1. Union of India, through the Secretary,
   Ministry of Defence, New Delhi.
2. Chief of Army Staff,
   Indian Army Sena Bhawan New Delhi,
3. Officer Commanding, Head Quarters,
   Squadron 16, (Indep.) Armoured Brigade,
   C/o 56 A.P.O. ----Respondents.

Sri N.S. Negi, learned counsel for the petitioner,
Learned Asstt. Solicitor General, Union of India/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Narayan Singh Negi, learned counsel for the petitioners and learned Asstt. Solicitor General for Union of India/ respondents.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:-

a) To issue a writ, order or direction in the nature of certiorari to quash the order dated 03.03.2003 passed by respondent no. 3 (annexure no. 5 to the writ petition),

b) To issue a writ, order or direction in the nature of mandamus directing the respondents to reinstate the petitioner in his service with full honour and arrears of the salary,

c) To issue a writ, order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the present case,

d) To award the cost of the writ petition to the petitioner.

3. The petitioner who was working in the Indian Army as Mess-Waiter at Armoured Brigade was dismissed from his services after a summary Court Martial conducted by the Officer Commanding, Head Quarters, Squadron 16, (Indep.) Armoured Brigade C/o 56 A.P.O. on 03.03.2003.

4. Submission of the learned counsel for the petitioner is that against the impugned order dated 03.03.2003 dismissing the petitioner from services he has already preferred statutory petition before the Chief of Army Staff, Indian Army, Sena Bhawan New Delhi, on 12th October 2003, which is annexure no. 7 to this writ petition and the same is still pending before the respondent no.2.

5. Counsel for the petitioner has confined his prayer that the respondent no. 2 be directed to take decision on the petition of the petitioner pending before him within a particular period prescribed by the Court.

6. The prayer is innocuous.

7. Accordingly, the respondent no. 2 is directed to take decision on the petition of the petitioner dated 12th October 2003 (annexure no. 7 to the writ petition), within a period of three weeks from the dated of production of a certified copy of this order.

8. The writ petition is finally disposed of, accordingly.

(M.M. Ghildiyal, J.)

April 26, 2006:
NCM: